the hot cut process,[887] the C2C Guidelines establish a performance standard or benchmark that serves as an objective for VZ-MA to meet to demonstrate its hot cut processes provide a CLEC with a meaningful opportunity to compete. Specifically, the FCC reviews data indicating whether VZ-MA provisions hot cuts in sufficient quantities, at an acceptable level of quality, and with a minimum amount of service disruption.[888]

In approving VZ-NY's § 271 application, the FCC noted that VZ-NY's hot cut performance was a "minimally acceptable showing" and that it would have serious concerns if any one of the three following measurements were to decline: (1) the 90 percent on-time hot cut performance rate; (2) the five percent of hot cuts resulting in service outages rate; and (3) the two percent of hot cut lines reporting installation troubles rate.[889]

a.   Hot Cut Provisioning Process

According to VZ-MA, it uses the same methods and procedures in Massachusetts to perform hot cuts that it uses in New York and that the FCC found to be satisfactory in its review of BA-NY's § 271 application.[890] VZ-MA states that KPMG verified that VZ-MA

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[887]   See SBC Texas Order at ¶ 258; see also Bell Atlantic New York Order at ¶ 291 ("[b]ecause there is no retail equivalent to a hot cut, Bell Atlantic must demonstrate that it provides unbundled loops through hot cuts 'in a manner that offers an efficient competitor a meaningful opportunity to compete.'").

[888]   See Bell Atlantic New York Order at ¶ 291.

[889]   Id. at ¶ 309.

[890]   VZ-MA Application, Appdx. A, Tab 1, at ¶ 80 (Lacouture/Ruesterholz Decl.).

adheres to the hot cut processes.[891] The Department is persuaded by KPMG's findings that VZ-MA follows the hot cut procedures approximately 99 percent of the time.[892] We note that only AT&T contests VZ-MA's adherence to these methods and procedures, and that most of these claims were raised last year, responded to by VZ-MA, and not pursued by AT&T this year. When asked to provide documentation to support claims AT&T made last year during our technical sessions that VZ-MA does not follow the hot cut procedures, **Begin Proprietary *********** End Proprietary**[893]

This year, AT&T has argued that VZ-MA has not followed its hot cut procedures because it does not confirm the cable facilities assignment ("CFA") information for an impending hot cut on the LSRC but, rather, includes the Access Customer Termination Location ("ACTL").[894] According to AT&T, the ACTL cannot substitute for the CFA because it provides only the address of the collocation cage from which the customer will be served. AT&T argues that since a CLEC will likely have more than one CFA in a collocation

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[891]   Id., citing VZ–MA Application, Appdx. B, Vol. 48a-b, Tab 563, at 216-217, 220-221 (KPMG Final Report).

[892]   According to KPMG, it observed 81 hot cuts with VZ-MA technicians performing a total of 793 tasks. KPMG confirms that the VZ-MA technicians executed 785, or 99 percent, of the tasks in accordance with VZ-MA's methods and procedures. VZ–MA Application, Appdx. B, Vol. 48a-b, Tab 563, at 216 (KPMG Final Report (POP-7-1-2-A)).

[893]   See RRs-220, 284, 285, 292, and 296.

[894]   VZ–MA Application, Appdx. B, Vol. 38, Tab 460, at 34 (AT&T July Supplemental Comments).

arrangement, the CLEC will be unable to confirm that VZ-MA and the CLEC are dealing with the same customer facility.[895]   Finally, AT&T contends that VZ-MA's failure to confirm the CFA on the LSRC requires AT&T to perform "work-arounds," which result in an unnecessary expense for AT&T.[896] Apart from asserting unnecessary expense, AT&T failed to quantify it.

VZ-MA responds that AT&T already has the CFA information it is now requesting VZ-MA to confirm.[897] VZ-MA argues that CLECs specifically requested that they have the responsibility for designating the CFA for their orders. According to VZ-MA, the only reason AT&T asked that the CFA be "parroted" back (i.e., reconfirmed) to it is because AT&T wanted to ensure that the VZ-MA frame technician was going to the correct CFA termination.[898] VZ-MA contends that although AT&T claimed the CFA confirmation was necessary to prevent "no dial tone" situations, improper CFAs has never surfaced during discussions between the two carriers as the "driver" of this problem.

VZ-MA argues that its employees provide the CFA in question to AT&T during the CTR1 call, which occurs the day the RCCC receives AT&T's order.[899] According to VZ-MA,

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[895]   Id.

[896]   Id. at 33.

[897]   VZ-MA Application, Appdx. B, Vol. 42, Tab 494, at ¶ 84 (VZ–MA August Checklist Aff.).

[898]   Id.

[899]   VZ–MA Application, Appdx. B, Vol. 46, Tab 533, at 4411 (Transcript of Technical

during this call, its coordinator reviews the due date, the CFA information, and any other details AT&T's coordinator wishes. Moreover, VZ-MA states that KPMG substantiated this process in its report.[900] The VZ-MA coordinator will provide its AT&T counterpart a CFA in the event of a "no dial tone" or "wrong dial tone" situation. If AT&T discovers that the VZ-MA technician is at the wrong location, there is "ample time" to correct this mistake and proceed with the hot cut on the original due date and time.[901] Finally, VZ-MA argues that for all practical purposes, the ACTL is synonymous with the CFA, and, since it also provides the CFA to AT&T during the CTR1 call, the ACTL on the LSRC does not pose any problem with respect to hot cuts.[902]

VZ-MA has persuaded the Department that the inclusion of ACTLs on the LSRCs, in lieu of CFAs, is not an impediment to the completion of a hot cut on the due date and at the scheduled time. In essence, AT&T is complaining that VZ-MA is not providing AT&T with information that is within AT&T's possession and that the failure of VZ-MA to confirm information that AT&T already has, somehow causes additional expense to AT&T in the form of a "work-around." In response to a Department information request, AT&T was unable to

[899](...continued)
Session Held 8/21/00).

[900]   Id., citing KPMG Draft Final Report Version 1.3 at 224 (POP-7-2-5).

[901]   VZ–MA Application, Appdx. B, Vol. 46, Tab 533, at 4412 (Transcript of Technical Session Held 8/21/00).

[902]   Id. at 4413.

indicate how frequently it performs these so-called "work-arounds," which appear to consist of either checking a VZ-MA database or calling a VZ-MA employee.[903] AT&T has not made it clear to the Department why AT&T requires this confirmation, an argument not made by any other carrier, and why it simply could not confirm the CFA during the CTR1 call. In any event, we find that VZ-MA's inclusion of the ACTL, and not the CFA, on the LSRC would not deny an efficient competitor (such as AT&T may be) a meaningful opportunity to compete in Massachusetts.[904] VZ-MA's hot cut performance with respect to AT&T's orders is excellent. As noted in its filing with the FCC, from May through July 2000, VZ-MA has completed almost 99 percent of AT&T's hot cut orders on time.[905]

VZ-MA states that it developed a process to perform multiple hot cuts on a project basis, and has developed a web-based system to track and manage hot cut orders. These developments virtually eliminate the need for multiple phone calls between the carriers' coordinators.[906] The Department is persuaded that VZ-MA's hot cut process works well and that VZ-MA is continually striving to simplify this process for CLECs. As discussed above,

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[903] VZ-MA Application, Appdx. B, Vol.44, Tab 506 (AT&T's response to DTE-ATT 1-13).

[904] SBC Texas Order at ¶ 258; Bell Atlantic New York Order at ¶ 291.

[905] VZ-MA Application, Appdx. A, Tab 1, at ¶ 87 (Lacouture/Ruesterholz Decl.).

[906] See VZ-MA Application, Appdx. B, Vol. 32a-b, Tab 423, at ¶ 184 (VZ–MA May Checklist Aff.); see also VZ–MA Application, Appdx. B, Vol. 34a-b, Tab 443 (VZ-MA's Responses to DTE-5-4, DTE-5-5 (where VZ-MA indicates that three CLECs are currently using the web-based system on a trial basis)).

even if VZ-MA is not adhering strictly to its hot cut methods and procedures by inserting the

ACTL in lieu of parroting back the CFA to AT&T on LSRCs, AT&T has been unable to

demonstrate to the Department that this substitution has had anything other than a de minimis

effect on AT&T. Finally, we note that KPMG verified that VZ-MA follows its hot cut

procedures 99 percent of the time.

b. On-Time Hot Cut Performance

i. Background

The on-time hot cut measurement requires VZ-MA to provision 95 percent of hot cuts

within the window applicable to the particular order (e.g., one hour for orders with fewer than

ten lines). Unlike VZ-NY's performance immediately prior to filing its § 271 application with

the FCC, VZ-MA bettered this benchmark in Massachusetts every month from January through

July 2000.[907] Moreover, VZ-MA has maintained this high level of performance as the hot cut

volumes have increased (463 hot cut orders in April to 1351 orders in July). Also, VZ-MA has

demonstrated its ability to perform hot cuts involving IDLC. From March through mid-July,

VZ-MA completed 284 hot cuts involving IDLC (or 8.2 percent of all hot cuts), achieving an

on-time performance of 93 percent.[908]

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[907] From January through July, VZ-MA completed hot cuts within the appropriate window (PR-9-01) in the following percentages: 99.14%, 98.67%, 99.34%, 99.56%, 98.45%, 99.63%, and 99.19%.

[908] VZ-MA Application, Appdx. B, Vol. 42, Tab 494, at ¶ 92 n.11 (VZ-MA August Supplemental Checklist Aff.)

Only one carrier, AT&T, disputes VZ-MA's on-time performance. Specifically, AT&T

argues that VZ-MA does not accurately record its hot cut performance and frequently asks

CLECs to supplement orders when VZ-MA experiences a problem.[909] VZ-MA has testified that

it does not ask CLECs to supplement orders. If VZ-MA is unable to meet a due date, it may

extend the due date, but once the order is complete, it would score that order as having missed

the due date.[910] VZ-MA also argues that KPMG verified VZ-MA's hot cut performance,

finding that VZ-MA provisioned 99 percent of the non-IDLC-loop hot cuts KPMG observed at

the agreed-upon time and that VZ-MA provisioned 95 percent of IDLC-hot cuts at the stated

time.[911]

The Department notes that while AT&T argues that VZ-MA's logs fail to indicate those

instances in which VZ-MA asked AT&T to supplement its order to account for a VZ-MA error,

AT&T has not explained why AT&T's records fail to reflect this VZ-MA request. If the point

is important enough to contest, notations in business records, contemporaneous with events and

made in the ordinary course of business, might have been corroborative. No such records were

adduced, and so we conclude none exist. VZ-MA witness Maguire testified that VZ-MA does

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[909] VZ-MA Application, Appdx. B, Vol. 38, Tab 460, at 31-32 (AT&T July Supplemental Comments).

[910] VZ-MA Application, Appdx. B, Vol. 46, Tab 533, at 4431-4433 (Transcript of Technical Session Held 8/21/00).

[911] VZ-MA Application, Appdx. B, Vol. 42, Tab 494, at ¶ 86 (VZ-MA August Supplemental Checklist Aff.), citing KPMG Draft Final Report Version 1.3 at 220-221 (POP-7-1-3-A, POP-7-1-3-B).

not follow this alleged practice and that if VZ-MA is unable to meet a due date, it will, after

notification to the CLEC, extend the due date and appropriately score this revised due date as a

"miss." The Department cannot rely upon AT&T's unsubstantiated claims of improper VZ-

MA scoring. Indeed, the Department finds it telling that AT&T has not provided

documentation from this year to support its claim of VZ-MA mis-scoring its hot cut

performance. In fact, since May 2000, VZ-MA provides AT&T with weekly hot cut

performance reports. According to VZ-MA, AT&T has not challenged even one of the nearly

400 hot cuts made since May, a claim supported by our record, and VZ-MA completes almost

99 percent of AT&T's orders on time.[912]

ii.   Hot Cut Data Reconciliation Between VZ-MA and AT&T

In its May 2000 filing, VZ-MA provided a "scorecard" of its on-time performance for

AT&T hot cuts from July 1999 to February 2000. On August 18, 2000, AT&T provided its

own version of the AT&T hot-cut scorecard, which differed from VZ-MA's AT&T scorecard.

VZ-MA reported that it received a total of **Begin Proprietary ************ End**

Proprietary from AT&T over the period July 1999 through February 2000. Of the **Begin**

Proprietary ********** End Proprietary** AT&T claimed that VZ-MA mis-scored 36

orders because, on their respective scorecards, AT&T had scored these orders as "misses" and

VZ-MA had scored them as "mades." AT&T claims that, relying on its own data, the 36

orders were those that "were absolutely clear and unambiguous," in terms of being mis-scored.

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[912]   VZ–MA Application, Appdx. A, Tab 1, at ¶ 87 (Lacouture/Ruesterholz Decl.).

AT&T contends that other orders may have been mis-scored, but that it did not include them as mis-scored if AT&T's records "were at all unclear."[913]

Responding to AT&T's request for a data reconciliation, the Department oversaw a such a process between VZ-MA and AT&T. The Department chose to focus first on the 36 orders because, according to AT&T, those were the ones with the most clear evidence of having been mis-scored.

From our review of the data reconciliation process, it appears that VZ-MA in fact mis-scored six of those 36 orders. There are three additional orders that AT&T and VZ-MA could not reconcile and which they submitted to the Department for review. Neither AT&T nor VZ-MA produced persuasive evidence that these three orders should be scored as "misses" or "mades," and, accordingly, the Department is unable to categorize them. AT&T now contends that because six orders were mis-scored, "it is likely that a full reconciliation would produce additional scoring changes."[914] We disagree. This is the baldest surmise, advanced with neither logical nor evidentiary underpinning of value. If only six orders out of 36 could be demonstrated by AT&T to have been mis-scored where AT&T itself claimed that its own data were "absolutely clear and unambiguous," then it is likely that there would be a much lower percentage, if any, of mis-scored orders where AT&T's records "were at all unclear," in

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[913]   VZ–MA Application, Appdx. B, Vol. 38, Tab 460, at 8 (AT&T July Supplemental Comments).

[914]   Appdx. J at 7 (AT&T September 28, 2000 Comments).

AT&T's words. Therefore, the results of this data reconciliation indicate to us that there is no need for further data reconciliation of the remaining hot cut orders.

c.   Quality of Loops Provisioned Through Hot Cuts

Pursuant to the C2C Guidelines, VZ-MA must demonstrate that fewer than two percent of the lines provisioned through hot cuts experience troubles within the first seven days. Again, the Department finds that VZ-MA exceeds the C2C Guidelines standard. From July 1999 through July 2000, VZ-MA reported troubles on fewer than one percent of hot cut lines. This performance has remained below one percent even as volumes have increased.[915] Moreover, VZ-MA revised its hot cut procedures in the second quarter of 2000 so that all of VZ-MA's hot cut "outages" are captured within this installation quality measurement. Therefore, according to VZ-MA, its outages are also less than one percent.[916] As the FCC found in its review of BA-NY's § 271 application, we believe these data and the statistics derived from them confute AT&T's claims that VZ-MA's performance results in a level of service disruptions that significantly affect its ability to obtain and retain customers.[917]

In its response to a Department data request, AT&T provided eight PONS to support its argument that AT&T's customers experienced service problems (from August through

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[915]   VZ-MA's performance from May through July 2000 is: 0.77% (2719 hot cuts); 0.54% (3535 hot cuts); and 0.90% (3013 hot cuts).

[916]   VZ-MA Application, Appdx. B, Vol. 42, Tab 494, at ¶ 75 (VZ-MA August Checklist Aff.).

[917]   See Bell Atlantic New York Order at ¶ 301.

November 1999).[918] VZ-MA disputes AT&T's characterization of VZ-MA's performance with

respect to these eight orders and reaffirms VZ-MA's findings with respect to at least four of the

eight orders. Moreover, even assuming all of AT&T's claims for these eight orders were

accurate, VZ-MA argues that its hot cut performance would still be excellent. Finally, VZ-MA

states that it is notable that AT&T failed entirely to provide comparable claims about VZ-MA's

hot cut provisioning since the beginning of this year.[919]

The Department agrees with VZ-MA that it is telling that AT&T's complaints about the

quality of loops provisioned through hot cuts involved eight orders from August and September

of 1999. Notwithstanding VZ-MA's arguments to the contrary, if we accept AT&T's data as

accurate, eight orders out of a universe of **Begin Proprietary ************* End**

Proprietary hot cuts provisioned by VZ-MA from July 1999 through February 2000 does not

indicate a pattern of poor performance nor does it lead us to conclude that VZ-MA's actions

pose any barrier to a CLEC's ability to compete. Quite the contrary, in fact. While we do not

discount the effect the disruptions described by AT&T had on its customers, based upon the

record before us, we can only attribute such outages to isolated events. When asked to provide

documentation to support its claims of no dial tone as a result of a failed hot cut, AT&T

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[918]   VZ–MA Application, Appdx. B, Vol. 27, Tab 340 (AT&T's Response to RR-DTE-
         290); see also VZ–MA Application, Appdx. B, Vol. 38, Tab 460, at 38-39 (AT&T
         July Supplemental Comments).

[919]   VZ-MA Application, Appdx. B, Vol. 32a-b, Tab 423, at ¶ 180 (VZ–MA May
         Checklist Aff.); VZ-MA Application, Appdx. B, Vol. 42, Tab 494, at ¶¶ 90-92
         (VZ–MA August Checklist Aff.).

responded **Begin Proprietary** ***

*** **End Proprietary**.[920] And so, we decline to adopt AT&T's request and agree with VZ-MA

that the loops it provisions through hot cuts experience few troubles.

5. xDSL-Capable Loops

a. Standard of Review

In its review of BA-NY's § 271 application, the FCC noted that it would find it "most

persuasive" if future applicants demonstrate that they are providing nondiscriminatory access to

xDSL-capable loops through comprehensive and accurate reports of performance measures.[921]

In its most recent § 271 Order, the FCC considered the following xDSL-related factors: (1)

order processing timeliness; (2) installation timeliness (e.g., average installation interval,

percentage of missed due dates); (3) loop quality; and (4) maintenance and repair timeliness and

quality.[922]

b. Order Processing Timeliness

In order to demonstrate that VZ-MA provides an efficient competitor with a meaningful

opportunity to compete, VZ-MA must demonstrate that it provides nondiscriminatory access to

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[920] See RR-292.

[921] SBC Texas Order at ¶ 282, citing Bell Atlantic New York Order at ¶¶ 333-335.

[922] SBC Texas Order at ¶ 284.

loop qualification information, and processes LSRCs in a timely manner.[923]

i.   Discussion

VZ-MA argues that it is providing CLECs with real-time mechanized access to loop

qualification information contained in the same database its retail employees use to qualify an

end-user's line for VZ-MA's ADSL service. According to VZ-MA, as of July 2000, this

database included 93 percent of VZ-MA's central offices with collocation arrangements in

place, and it states that it will make a reasonable effort to adjust its schedule to accommodate a

CLEC request to inventory a specific central office not already included in the database before

2001. Moreover, VZ-MA states that it has enhanced the information contained in this database,

beyond that needed by its retail employees, to include data on why a loop does not qualify (e.g.,

load coils, DLC).[924]

Last year, Covad argued that VZ-MA did not provide loop qualification information

through its database in a timely manner, a claim it has not pursued this year.[925] Also last year,

several CLECs argued that the level of information contained in the database was inadequate.

Finally, in a different Department proceeding, D.T.E. 98-57-Phase III, Digital Broadband

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[923]   Id. at ¶ 286.

[924]   VZ–MA Application, Appdx. A, Tab 1, at ¶ 108 (Lacouture/Ruesterholz Decl.); see
           also VZ–MA Application, Appdx. B, Vol. 34a-b, Tab 443 (VZ–MA's Response to
           DTE-5-14).

[925]   VZ–MA Application, Appdx. B, Vol. 18, Tab 218, at ¶ 44 (Covad Technical Statement
           on Collocation, OSS, and Loop Issues).

argued that VZ-MA's loop qualification database is inaccurate, requiring Digital Broadband to

submit requests for manual loop qualification. Digital Broadband raised this issue for the very

first time in D.T.E. 99-271 during the September 8, 2000, final oral argument. Counsel for

VZ-MA responded that Digital Broadband should have made the claim earlier, with supporting

documentation.[926]

VZ-MA makes available additional information on loops through manual loop

qualifications and engineering queries. Both processes involve a review of certain VZ-MA

databases, and the latter includes a review of cable plats and outside plant records, and

accordingly requires one additional day (72 hours as opposed to the 48 hours required for

manual loop qualifications). According to VZ-MA, its on-time performance for manual

qualifications in the first quarter of 2000 was 92 percent. Moreover, since January 2000, VZ-

MA has performed approximately 11,700 manual loop qualifications. In contrast, it performed

a mere 15 engineering queries during that period of time.[927] CLEC complaints made last year

about these two means of qualifying loops were directed mainly at the cost VZ-MA charges to

perform these functions. In a recent Department Order, we determined that in a forward-

looking environment, loop qualification would be unnecessary (because VZ-MA's loops would

be fiber-fed); therefore, we disallowed VZ-MA's proposal to assess any fee for these

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[926]   VZ–MA Application, Appdx. B, Vol. 49, Tab 565, at 5517, 5634-5635 (Transcript of
Oral Argument Held 9/8/00).

[927]   VZ–MA Application, Appdx. B, Vol. 34a-b, Tab 443 (VZ-MA's response to DTE-
WCOM-4-11).

activities.[928]

According to VZ-MA, it processes LSRCs in a timely fashion. VZ-MA states that,

pursuant to the C2C Guidelines, the LSRC interval begins at the time VZ-MA receives an

error-free LSR from a CLEC.[929] Last year, Covad claimed that it received FOCs[930] within the

stated 72-hour interval only 30 percent of the time.[931] VZ-MA reviewed Covad orders and

responded that Covad incorrectly calculates this measurement from the time it first submits an

erroneous order.[932] Covad does not disagree with VZ-MA's explanation of Covad's scoring;

however, Covad claims it is justified in measuring the FOC interval from the date it submits an

order because VZ-MA's GUI system causes CLECs to make errors (e.g., requiring CLECs to

re-type information, returning queries without sufficient information on the CLEC error,

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[928]   Phase III Order at 103-106.

[929]   VZ-MA Application, Appdx. B, Vol. 32a-b, Tab 423, at ¶ 204 (VZ–MA May
         Checklist Aff.).

[930]   According to VZ-MA, it refers to order confirmations for resale and UNE orders as
         "LSRCs" and for interconnection trunks, firm order confirmations ("FOCs"). Covad
         refers to its order confirmations as FOCs, hence the term's use in this context. VZ-MA
         Application, Appdx. A, Tab 3, at ¶ 44 (Guerard/Canny Decl.).

[931]   VZ–MA Application , Appdx. B, Vol. 18, Tab 218, at ¶ 27 (Covad Technical
         Statement on Collocation, OSS, and Loop Issues).

[932]   VZ-MA Application, Appdx. B, Vol. 32a-b, Tab 423, at ¶ 205 (VZ–MA May
         Checklist Aff.).

requiring CLECs to make repeated calls to VZ-MA's TIS OC for assistance with errors).[933]

VZ-MA responds that its business rules provide the requisite amount of detail to enable a CLEC

to submit accurate orders over VZ-MA's GUI system.[934] According to VZ-MA, its retail

representatives must abide by the same pre-order business rules.[935] Finally, VZ-MA argues that

its data demonstrate it is providing timely order confirmation.[936]

ii. Conclusions

The Department finds that VZ-MA is providing CLECs, through its enhanced loop

qualification database, the amount of information most CLECs require to qualify a loop.[937] The

Department is concerned about Digital Broadband's claim of database inaccuracies, which, if

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[933] VZ–MA Application, Appdx. B, Vol. 38, Tab 462, at ¶ 38 (Covad Berard/Clancy/Cutcher Decl.).

[934] See Section V.B.1.f.ii, iv above, for a discussion of KPMG's test of VZ-MA's interfaces.

[935] VZ-MA Application, Appdx. B, Vol. 42, Tab 494, at ¶ 21 (VZ–MA August OSS Aff.).

[936] For example, from May through July 2000, VZ-MA returned over 95 percent of its LSRCs for orders of less than ten lines on time (OR-1-04): 95.24%, 97.15%, and 98.67%. For orders equal to or more than ten lines, VZ-MA was similarly able to meet the C2C Guidelines standard during these months: 99.13%, 97.37%, and 99.04%. We note that, at this time, VZ-MA is unable to disaggregate xDSL orders from all loop, pre-qualified complex, and LNP loop orders.

[937] In a recent Department Order, we approved VZ-MA's proposal to make available the following information in its mechanized database: total metallic loop length (including bridged taps, and presence of load coils, DLC, interferors, digital single subscriber carrier) and qualification for ADSL/HDSL per VZ-MA standards. Phase III Order at 94 n.65.

proven true, could result in undefined provisioning delays.[938] While we note that such

inaccuracies, if true, would affect both CLECs and VZ-MA (including its separate data affiliate

when it becomes operational in Massachusetts), an inaccurate database could unnecessarily slow

deployment of high-speed Internet access to Massachusetts residences and small businesses. We

note, however, that Digital Broadband, unaccountably, first raised this issue at the oral

argument; thus, there was no opportunity for VZ-MA to respond. We expect VZ-MA to

investigate Digital Broadband's claims[939] and include a response to Digital Broadband's claims

in its reply comments in this proceeding.

Only Covad contests VZ-MA's manual loop qualification performance, arguing that this

process takes an inordinate amount of time to obtain information, if it receives the information

at all.[940] When asked by the Department to provide documentation that VZ-MA does not

respond to Covad's requests for manual loop qualifications and to provide the average response

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[938] As mentioned above, since the Department disallowed VZ-MA-imposed charges for loop qualification in our Phase III Order, the significance of requesting manual loop qualifications and engineering queries is the additional time required by VZ-MA to perform these procedures (as opposed to the instantaneous access a CLEC or VZ-MA would have through the mechanized database).

[939] In its response to information request DTE-DBC-1, made in D.T.E. 98-57-Phase III, Digital Broadband provided documentation in support of its database inaccuracy claim.

[940] VZ–MA Application, Appdx. B, Vol. 38, Tab 463, at ¶ 38 (Covad Szafraniec/Katzman Decl.).

time for obtaining this additional information, Covad could not.[941] Our record does not indicate

any CLEC complaints about VZ-MA's engineering query performance, a function which

appears to be a rare occurrence in Massachusetts. Covad claimed that VZ-MA does not return

FOCs within the stated interval for a significant number of its orders. However, Covad

acknowledges that its claim is based upon Covad's own inaccurate calculation of the C2C-

approved metric. Although Covad claims this mis-scoring is justified because it must use the

error-prone GUI system, we note that the definition for this metric was developed in a

collaborative fashion between CLECs and VZ-MA and was approved by the NYPSC.

In addition, in response to CLEC complaints about VZ-MA's practice of returning

CLEC orders identifying one error at a time, VZ-MA indicates that there is a request currently

pending in the Change Management process that would require VZ-MA to return all errors

found on an LSR in a single query notice.[942] Based upon these factors, we cannot agree with

Covad, i.e., that we should ignore VZ-MA's correctly scored performance, which was verified

by KPMG, in favor of Covad's claims of poor order processing performance based upon

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[941] VZ-MA Application, Appdx. B, Vol. 45, Tab 511 (Covad's Response to Information Request DTE-CVD-4). In this response, Covad states that it uses a third party to request manual loop qualifications, and this third party indicated that it would require a special study to provide the Department-requested information. Absent documentation, the Department cannot rely on Covad's assertions of manual loop qualification delays or non-responsiveness to such requests by VZ-MA. Given the opportunity to do so, Covad fails to substantiate its claim. We, therefore, can give it little weight.

[942] VZ-MA Application, Appdx. B, Vol. 46, Tab 533, at 4600 (Transcript of Technical Session Held 08/21/00).

admittedly, incorrectly-scored data. Finally, although VZ-MA includes xDSL orders with other loop orders in the denominator of the relevant metric, based upon our review of VZ-MA's performance data, it appears that VZ-MA returns LSRCs within the stated interval almost all of the time.

c. Installation Timeliness

To determine whether a BOC provisions xDSL-capable loops in a timely manner, the FCC indicated that it will consider the average completion interval and the percentage of installation appointments missed because of BOC-caused errors (see Section D.3.a.ii-iii, above, for the definitions of both metrics).

i. Discussion

VZ-MA's performance data indicate that it generally provisions xDSL loops for CLECs in approximately the same amount of time that it provisions xDSL loops for its own retail service.[943] A review of VZ-MA's data for the average completed interval show that from April through May, VZ-MA required less time to provision xDSL-capable loops for CLECs than it required for its own retail ADSL service. In the two most recent months (June and July), however, VZ-MA has required more time to provision these loops for CLECs. VZ-MA argues that this metric, average completed interval for xDSL-capable loops, is susceptible to several of the same factors that affect VZ-MA's interval performance data for POTS loops (e.g., CLEC

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[943] From April through July 2000, the average completed interval for CLECs, requiring a dispatch, was: 7.80, 7.49, 7.16, and 7.14. During the same period, the average completed interval for VZ-MA was: 12.14, 8.96, 6.69, and 5.93.